

NATIONAL RECOVERY ADMINISTRATION

**AMENDMENT TO
CODE OF FAIR COMPETITION
FOR THE
LACE MANUFACTURING
INDUSTRY**

AS APPROVED ON DECEMBER 24, 1934



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AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

LACE MANUFACTURING INDUSTRY

As Approved on December 24, 1934

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE LACE
MANUFACTURING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of amendments to a Code of Fair Competition for the Lace Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said amendments containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive orders of the President, including Executive Order 6859, dated September 27, 1934, and otherwise, does hereby incorporate, by reference, said annexed report and does find that said amendments and the Code as constituted after being amended complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendments be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,

By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

PRENTISS L. COONLEY,

Acting Division Administrator.

WASHINGTON, D. C.,

December 24, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Hearing on the Amendments to the Code of Fair Competition for the Lace Manufacturing Industry, held in Room 3208 of the Department of Commerce Building, on March 19, 1934. The Amendments which are attached were presented by the Code Authority.

In accordance with the customary procedure every person who had filed a request for an appearance was freely heard in public, and all statutory and regulatory requirements were complied with.

The following Amendments are submitted for approval:

The provisions of the Code relating to maximum hours which any employee may work have been changed to permit executives, outside sales force, supervisory staff, draftsmen and designers to work unlimited hours provided they are paid thirty-five dollars (\$35) or more per week; electricians, shipping crews, cleaners, dyers, chauffeurs, and repair shop crews are permitted to work not more than forty-eight (48) hours per week providing time and one-half shall be paid for all hours worked in excess of forty (40) hours per week; firemen and engineers are permitted to work not more than forty-eight (48) hours per week, provided time and one-half shall be paid for all hours worked in excess of forty-two (42) hours per week; watchmen are permitted to work not more than fifty-six (56) hours per week, with one day's rest (24 Hours) during each fourteen (14) day period; office employees are permitted to work forty (40) hours per week averaged over a period of six weeks, but not more than forty-eight (48) hours in any one week; the last paragraph of Article III is amended to prohibit the employment of persons under eighteen years of age at hazardous occupations; a new Article XV is added which permits the registration of "fabrics", subject to the approval of National Industrial Recovery Board to the definition of "fabrics".

FINDINGS

The Deputy Administrator in his final report to the National Industrial Recovery Board on said Amendments to said Code having found as herein set forth and on the basis of all proceedings in this matter:

The National Industrial Recovery Board finds that:

(a) The amendments to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintain-

ing united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required) by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid Amendments on behalf of the Industry as a whole.

(d) The Amendments and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The Amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Amendments.

For the above reasons these Amendments have been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer

DECEMBER 24, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE LACE MANUFACTURING INDUSTRY

Article III is to be amended to read as follows:

On and after the effective date employers in the Lace Manufacturing Industry shall not operate on a schedule of hours of labor for their employees in excess of forty hours per week and they shall not operate productive machinery in the lace manufacturing industry for more than two shifts of forty hours each per week, no matter by whom operated.

No employee shall be permitted to work in excess of forty (40) hours in any one week, except as herein other wise provided.

(a) Watchmen shall be permitted to work not more than fifty-six (56) hours in any one week, provided that a rest of one day (twenty-four hours) be allowed during each fourteen (14) day period.

(b) Draftsmen, designers, electricians, members of repair shop crews, cleaners, dyers, janitors, chauffers, and members of shipping crews shall be permitted to work not more than forty-eight (48) hours per week, provided that all such employees be paid at the rate of time and one-half for all hours per week over forty (40). Firemen and engineers shall be permitted to work not more than forty-eight (48) hours per week, provided that all such employees shall be paid at the rate of time and one-half for all hours per week over forty-two (42) hours.

(c) Executives and members of the supervisory staff who earn regularly less than \$35.00 per week shall be permitted to work not more than forty-eight (48) hours per week.

(d) No employee shall be permitted to work more than forty (40) hours per week whose duties are not wholly within one or more of the classifications of employment for which more than forty (40) hours per week are permitted.

(e) The maximum hours of labor for office employees in the industry shall be an average of forty (40) hours a week over each period of six (6) weeks, but in no event shall exceed forty-eight (48) hours per week.

(f) The provisions of this article shall not apply to persons employed in an executive or supervisory capacity, draftsmen and designers, who earn regularly \$35.00 per week or more, nor to outside salesmen, nor to employees engaged in emergency maintenance or emergency repair work involving protection of life or property, provided, however, that all employees engaged in emergency maintenance or emergency repair work shall receive at least one and one-half times their normal rate of pay for all hours worked in excess of forty (40) hours in any one week or in excess of eight (8) hours in any twenty-four (24) hour period.

(g) No person under sixteen (16) years of age shall be employed in the industry nor anyone under eighteen (18) years of age shall be employed at occupations hazardous in nature or detrimental to health. The Code Authority shall furnish a list of such occupations

within sixty (60) days after the effective date of this amendment. In any State an employer shall be deemed to have complied with this provision if he shall have on file a certificate or permit duly issued by the authority in such State empowered to issue employment or age certificates or permits, showing that the employee is of the required age.

A new Article XV should be added to read as follows:

ARTICLE XV

SECTION 1. No member of the industry shall imitate or copy, or cause to be imitated or copied, or offer for sale or sell any imitation or copy of any fabric originally developed and produced by any other member of the industry, without the consent of such originating member, or the lawful successor to the rights of such originating member to said fabric.

(a) If, a sample of said fabric has been registered with an impartial agency to be designated by the Code Authority. In registering such fabric, the registrant shall submit a sworn statement in which he certifies that he has conceived said fabric or lawfully acquired ownership or rights thereto from the originator or prior owner thereof, and that to the best of his knowledge and belief, such fabric is in fact original as aforesaid. Such impartial agency shall accept any fabric submitted for registration as aforesaid, and shall issue a certificate of registration to the registrant, and

(b) If, within three months after registration as aforesaid said fabric, or any article composed in whole or in part of such fabric, has been offered for sale or sold or produced in commercial quantities in the regular course of business, and

(c) If, said fabric or such articles composed in whole or in part of such fabric, when sold by the registrant, are identified by the mark "Reg. NRA", and the date of registration.

Provided, that the prohibition herein against imitation or copy of any fabric shall expire one year from the date of registration thereof.

Nothing herein shall be construed to limit the protection afforded to designers or manufacturers under existing law.

SECTION 2. Any complaint or dispute which may arise under Section 1 of this Article shall, in the first instance, be referred to the Code Authority, which shall endeavor to adjust the same. If the Code Authority cannot effect an adjustment, the parties to such dispute may submit the matter to arbitration. If any dispute arising under Section 1 of this Article should involve a member of the Code Authority, said member of the Code Authority shall not participate in the adjustment of such dispute. The Code Authority shall relieve any such member of his duties pending the settlement of such dispute, replacing him with an appointment pro tempore of another person engaged in the industry or his representative.

SECTION 3. This Article shall not become effective prior to the submission by the Code Authority and approval by the National Industrial Recovery Board of the definition of the word "fabric."

Approved Code No. 6—Amendment No. 3.
Registry No. 244-01.

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